

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of Confirmation No. 9534  
**BERG-SCHULTZ** Atty. Ref.: 4662-43  
Serial No. 10/542,927 Group: 4173  
Filed: July 21, 2005 Examiner: Farzaneh  
For: NOVEL STABILIZED CINNAMIC ESTER SUNSCREEN COMPOSITIONS

\* \* \* \* \* \* \* \* \* \*

February 5, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE TO NON-FINAL ACTION

Sir:

The following comments are intended to be fully responsive to the non-final Official Action dated January 23, 2008, which set a nominal response due date of February 23, 2008.

## 1. Species Election

Applicants hereby elect DEA-Methoxycinnamate as the ultimate species of the at least one additional non-encapsulated sunscreen defined in pending claim 8.

All pending claims 1-8 read on the elected species, of which claims 1-7 appear to be generic.

An early and favorable action on the merits of claims 1-8 is therefore awaited.

**BERG-SCHULTZ**  
**Serial No. 10/542,927**  
February 5, 2008

**2. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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